IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

P R E S E N T

THE HON'BLE MR JUSTICE M.H.S. ANSARI

A N D
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 18852 of 2004

Between:

M/s. Ramakrishna Homeo Pharmaceutical (P) Ltd., Rep. by its

Director, G.N.Phani Raj Managing Director, Regd.Office at

434 Bank Street, Hyderabad. **..... PETITIONER**

A N D

1. The Assistant Zonal Manager (D) and Commissioner

A.P.I.I.C. Industrial Area Local Authority,
Kattedan, Ranga Reddy District.

2 The Commissioner, Rajendranagar Municipality at Rajendranagar
Ranga Reddy District. **.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the revision of the property Tax by the 1st respondent and the Special Demand Notice dated 18.12.2003 which is confirmed in the proceedings dated 18.6.2004 as arbitrary, illegal and contrary to Law and violative of the Provisions of A.P.Municipalities Act 1965 and set aside the same and pass.

Counsel for the Petitioner: MR.Y.RAMA RAO

Counsel for the Respondent : MR.E.MADAN MOHAN RAO FOR RVAK-1

The Court made the following :

<u>O R D E R</u> : { Per the Hon'ble Mr.Justice M.H.S.Ansari}

Having heard the learned counsel for the petitioner as also the learned Standing Counsel for the second respondent-Municipality, we are of the view that the petitioner should be relegated to avail of the efficacious and alternative remedy of statutory appeal provided under Rule 22 of Second Schedule to the A.P. Municipalities Act, 1965 against the impugned order passed by the Commissioner, dated 18-6-2004.

Accordingly, if the petitioner prefers an appeal before the statutory authority specified in the aforesaid Rule 22 within a period of two weeks from this date, the same shall be disposed of in accordance with law.

As regards, the stay of the demand, impugned in the writ petition is concerned, as also with regard to the condition stipulated in Rule 25 for pre-deposit, we direct that if the petitioner deposits 50% of the impugned demand of Rs.1,10,597-50 ps., excluding Rs.30,000-00 deposited pursuant to the order of this court, appeal shall be taken on record and disposed of in accordance with law.

Writ Petition is accordingly disposed of without going into the merits of the main controversy. All questions are left open for being raised and considered by the appellate authority. No costs.

M. H . S. ANSARI, J.

DECEMBER 6th, 2004.

I S L.

T.Ch.SURYA RAO, J.